



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/460,223	12/13/1999	NAOYASU MIYAGAWA	JEL-28567RE-D	2209

7590 08/25/2005

JAMES E LEDBETTER ESQ
STEVENS DAVIS MILLER & MOSHER LLP
SUITE 850
PO BOX 34387
WASHINGTON, DC 200434387

EXAMINER

HINDI, NABIL Z

ART UNIT	PAPER NUMBER
----------	--------------

2655

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO/ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
--------------------------------	-------------	---	---------------------

EXAMINER

ART UNIT	PAPER
----------	-------

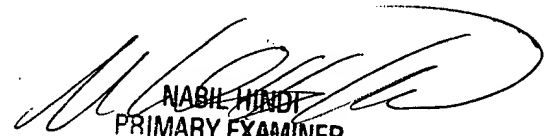
20050822

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

the reply brief dated March 24, 2005 is entered


NABIH HINDI
PRIMARY EXAMINER
GROUP 2500
2/25/05



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Inventors: Naoyasu MIYAGAWA, et al.

Art Unit: 2655

Appln. No.: 09/460,223

Examiner: N. Hindi

Filed: December 13, 1999

For: OPTICAL RECORDING/REPRODUCING APPARATUS FOR
OPTICAL DISKS WITH VARIOUS DISK SUBSTRATE
THICKNESSES

SUPPLEMENTAL REPLY BRIEF

This appeal was remanded to the examiner on January 5, 2004, for the purpose of reconsideration of the recapture rejection in light of the precedential Board decision in *Ex parte Eggert et al.*¹ decided May 29, 2003 by an expanded panel of the Board of Patent Appeals and Interferences.

The Supplemental Examiner's Answer (hereinafter, "Answer") of January 24, 2005, addresses various issues in addition to those raised by *Eggert*.

This Supplemental Reply Brief addresses the points of argument asserted in the Answer, which include (1) reassertion of various arguments made in the first Examiner's Answer, (2) arguments directed to the rule of *In re Wesseler*², which was asserted in

¹67 USPQ2d 1716 (BPAI 2003); hereinafter, "*Ex parte Eggert*," "*Eggert et al.*" or "*Eggert*" refers to this decision and not the earlier board decisions also involving *Eggert et al.*

²367 F.2d 838, 151 USPQ 339 (CCPA 1966)